

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	Gongwer		
Title:	Non-Volatile Memory with Improved Programming and Method Therefor		
Application No.:	10/804,770	Filing Date:	March 19, 2004
Examiner:	Lalrinfamkim Hmar Malsawma	Group Art Unit:	2823
Docket No.:	SNDK.211US1	Conf. No.	7776

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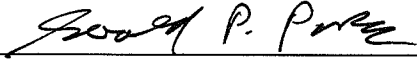
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REQUEST FOR REFUND**

Dear Sir:

On July 18, 2006, the undersigned Attorney of Record authorized payment for a Request for Continued Examination and Two-Month extension fee in the above-referenced application be taken from Deposit Account No. 502664 for \$1,240.00 in response to an Advisory Action that was issued by Examiner Malsawma on June 9, 2006. A copy of the Advisory Action is attached, as well as a copy of the Transmittal corresponding to the filing of the Request for Continued Examination. However, a Notice of Abandonment was received by our office for the above-referenced application mailed August 3, 2006, due to a decision on interference (copy attached). Therefore, the undersigned Attorney of Record requests a refund of \$1,240.00 in the form of a check made out to the undersigned Attorney of Record. A copy of the Deposit Account statement is enclosed for your review.

Respectfully submitted,

  
\_\_\_\_\_  
Gerald P. Parsons  
Reg. No. 24,486

8/9/06  
\_\_\_\_\_  
Date

PARSONS HSUE & DE RUNTZ LLP  
595 Market Street, Suite 1900  
San Francisco, CA 94105  
(415) 318-1160 (main)  
(415) 693-0194 (fax)

Attorney Docket No.: SNDK.211US1

Application No.: 10/804,770



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/804,770

03/19/2004

Geoffrey Gongwer

SNDK.211US1

7776

36257

7590

06/09/2006

PARSONS HSUE & DE RUNTZ LLP  
595 MARKET STREET  
SUITE 1900  
SAN FRANCISCO, CA 94105

**RECEIVED**

**JUN 12 2006**

Parsons Hsue & de Runtz LLP

EXAMINER

MALSAWMA, LALRINFAMKIM HMAR

ART UNIT

PAPER NUMBER

2823

DATE MAILED: 06/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

ATTORNEY: GPP/MGL

PHDR

ACTION: RESPONSE/ADVISORY ACTION DUE: 7/9/06

ACTION: (1st EXT) DUE:

DOCKETED BY: 200 DATE: 6/12/06

VERIFICATION BY: edv DATE: 6/13/06

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

10/804,770

Applicant(s)

GONGWER ET AL.

Examiner

Lex Malsawma

Art Unit

2823

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 08 March 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, ~~but prior to or on the same day as filing a Notice of Appeal~~. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: \_\_\_\_\_.


Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see continuation sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_  
13. ☐ Other: \_\_\_\_\_.

  
MATTHEW SMITH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800

Applicant's proposed amendment, filed on March 08, 2006 after adverse judgment against all prior claims by the Board of Patent Appeals and Interferences (Board), will not be entered because the new claims introduced by the proposed amendment appear to be patentably distinct from the prior claims. The examiner has considered/examined the prior claims and cannot now change the invention, furthermore, the adverse judgment by the Board against the prior claims is a Final action of the Office, therefore, the proposed amendments, filed on March 08, 2006 will not be entered.

595 MARKET STREET, SUITE 1900 SAN FRANCISCO, CA 94105  
TEL 415.318.1160 FAX 415.693.0194

July 18, 2006

Mail Stop RCE  
Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Customer No. 36257

Re: Applicant(s): Gongwer et al.  
Title: Non-Volatile Memory with Improved Programming and Method Therefor  
Application No.: 10/804,770 Filing Date: March 19, 2004  
Examiner: Malsawma Group Art Unit: 2823  
Docket No.: SNDK.211US1 Conf. No.: 7776

Dear Sir:

Transmitted herewith are the following documents in the above-identified application:

- (1) This Transmittal Letter (1 page);
- (2) Request for Continued Examination (1 page);
- (3) Amendment (4 pages);
- (4) Petition for Extension of Time (Two-Month) (1 page);
- (5) Supplemental Information Disclosure Statement (2 pages);
- (6) PTO Form 1449 (1 page);
- (7) 3 References enclosed;
- (8) Previously cited Supplemental Information Disclosure Statement mailed April 26, 2006 (3 pages); and
- (9) Previously cited Supplemental Information Disclosure Statement mailed March 8, 2006 including 2 References (8 pages).

- ☐ No additional fee is required.  
☒ The fee has been calculated as shown below:

**CLAIMS AS AMENDED**

<input checked="" type="checkbox"/>	Fee for Request for Continued Examination	\$	790.00
<input checked="" type="checkbox"/>	Fee for two-month extension of time		450.00
<b><u>Total additional fee for this Amendment:</u></b>		\$	<u>1240.00</u>

- ☒ The fee of \$1240.00 has been authorized via EFS to Deposit Account 502664. The Commissioner is hereby authorized to charge any additional fees, which may be required, or credit any overpayment to Deposit Account 502664.

**FILED VIA EFS**

Respectfully submitted,



Gerald P. Parsons  
Reg. No. 24,486



## UNITED STATES PATENT AND TRADEMARK OFFICE

5020211.00143

UNITED STATES DEPARTMENT OF COMMERCE  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,770	03/19/2004	Geoffrey Gongwer	SNDK.211US1	7776

36257 7590 08/03/2006  
PARSONS HSUE & DE RUNTZ LLP  
595 MARKET STREET  
SUITE 1900  
SAN FRANCISCO, CA 94105

**RECEIVED**

AUG 07 2006

Parsons Hsue &amp; de Runtz LLP

EXAMINER	
MALSAWMA, LALRINFAMKIM HMAR	
ART UNIT	PAPER NUMBER
2823	

DATE MAILED: 08/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PHDR

ATTORNEY: GPO/HSCACTION: PETITION AGR 1.151 DUE: 10/3/06

ACTION: \_\_\_\_\_ DUE: \_\_\_\_\_

DOCKETED BY: 20 DATE: 8/8/06VERIFICATION BY: cd DATE: 8/8/06

9/2

**Notice of Abandonment**

Application No.

10/804,770

Examiner

Lex Malsawma

Applicant(s)

GONGWER ET AL.

Art Unit

2823

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on \_\_\_\_\_.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☐ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☒ The decision by the Board of Patent Appeals and Interference rendered on 22 February 2006 and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:

Pursuant to 37 CFR 41.127(b) and MPEP 2308.01, this application became abandoned after the decision on interference. Accordingly, the RCE filed on 18 July 2006 cannot be entered, accepted or processed.



Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



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Trademark Office**

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**Deposit Account Statement**

**Requested Statement Month:** July 2006  
**Deposit Account Number:** 502664  
**Name:** PARSONS HSUE & DE RUNTZ LLP  
**Attention:** ACCOUNTS PAYABLE  
**Address:** 595 MARKET STREET  
**City:** SAN FRANCISCO  
**State:** CA  
**Zip:** 94105  
**Country:** UNITED STATES

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
07/03	1006	11428161	LOGI.002US0	1011	\$300.00	\$42,355.00
07/03	1007	11428161	LOGI.002US0	1111	\$500.00	\$41,855.00
07/03	1008	11428161	LOGI.002US0	1311	\$200.00	\$41,655.00
07/03	1009	11428161	LOGI.002US0	1202	\$350.00	\$41,305.00
07/03	1010	11428161	LOGI.002US0	1201	\$200.00	\$41,105.00
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07/03	1478	11313538	SNDK.382US5 / SDK0571.005	1253	\$1,020.00	\$36,305.00
07/03	1518	11313536	SNDK.382US4 / SDK0571.004	1051	\$130.00	\$36,175.00
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07/03	1582	11314411	SNDK.382US1 / SDK0571.001	1051	\$130.00	\$35,025.00
07/03	1583	11314411	SNDK.382US1 / SDK0571.001	1253	\$1,020.00	\$34,005.00
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07/05	222	11319259	SNDK.459US0-2	8007	\$20.00	\$31,665.00
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07/06	705	10796575	SNDK.344US0	1801	\$790.00	\$29,155.00
07/07	704	11021693	SNDK.354US0	1801	\$790.00	\$28,365.00
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07/11 2	10866309	G0631.70033 US01	1504	-\$300.00	\$30,065.00
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07/11 1227	10665810	UTCI.007US1	2252	\$225.00	\$27,824.00
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07/12 278	60819507	SNDK.382US9-SDK0571.009US	1085	\$1,000.00	\$38,977.00
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07/14 467	11457411	HKUS.002US0	8021	\$40.00	\$38,857.00
07/14 897	11457401	HKUS.001US0-TTC.PA.262S	4011	\$75.00	\$38,782.00
07/14 898	11457401	HKUS.001US0-TTC.PA.262S	2111	\$250.00	\$38,532.00
07/14 899	11457401	HKUS.001US0-TTC.PA.262S	2311	\$100.00	\$38,432.00
07/14 969	11457411	HKUS.002US0-TTC.PA.264S	4011	\$75.00	\$38,357.00
07/14 970	11457411	HKUS.002US0-TTC.PA.264S	2111	\$250.00	\$38,107.00
07/14 971	11457411	HKUS.002US0-TTC.PA.264S	2311	\$100.00	\$38,007.00
07/14 972	11457411	HKUS.002US0-TTC.PA.264S	2202	\$175.00	\$37,832.00
07/17 716	10685550	SENS.005US1	2251	\$60.00	\$37,772.00
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07/19 477	11028906	SNDK.263US2	1501	\$1,400.00	\$35,977.00
07/19 478	11028906	SNDK.263US2	1504	\$300.00	\$35,677.00
07/19 647	11205595	SNDK.226US3	1814	\$130.00	\$35,547.00
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* 07/19 971	10804770	SNDK.211US1	1252	\$450.00	\$34,647.00
* 07/19 972	10804770	SNDK.211US1	1801	\$790.00	\$33,857.00
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07/20 2	11196547	SNDK.276TW0	8007	\$20.00	\$33,657.00
07/20 35	11196161	SNDK.388TW0	8007	\$20.00	\$33,637.00
07/20 1018	10136708	M-11524-1C US	2501	\$700.00	\$32,937.00
07/20 1019	10136708	M-11524-1C US	1504	\$300.00	\$32,637.00
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07/21 55	09954287	M-10575-3C US	1501	\$1,400.00	\$31,057.00
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07/21 784	11016148	TNCR.182US2	1253	\$1,020.00	\$24,912.00
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